

ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE RESOLUTION 149

Introduced by McDonald, 41;

PURPOSE: To study recent federal lawsuits dealing with the right of states, under the 21st Amendment to the United States Constitution, to regulate alcohol.

A United States District Court in the State of Washington held in Costco Wholesale Corp. v. Hoen, Slip Copy, 2006 WL 2645183, W.D.Wash. (September 14, 2006), that the State of Washington's alcohol control laws were suspect under federal anti-trust laws and not shielded by the 21st Amendment.

This case followed Granholm v. Heald, 544 U.S. 460, 125 S.Ct. 1885 (2005), in which the United States Supreme Court held that states which allow instate wineries to ship their product directly to consumers may not bar out-of-state wineries from doing the same.

This study will include evaluation of these and other legal developments and their effect on Nebraska liquor law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of

its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.